



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,766	12/04/2001	Nicholas Paul Cowley	042390.P23771	7918

8791 7590 06/11/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
----------	--------------

2618

MAIL DATE	DELIVERY MODE
-----------	---------------

06/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/004,766

Applicant(s)

COWLEY ET AL.

Examiner

Sonny TRINH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 29-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/9/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 10-28) in the reply filed on 04/09/2007 is acknowledged. However, since claim 1 is the only generic claim, it cannot be withdrawn. Appropriate action is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1, 10** are rejected under 35 U.S.C. 102(a) as being anticipated by Kunishima (hereinafter "Kunishima"; U.S. Patent Number 6,037,999).

Regarding **claim 1**, Kunishima discloses a radio frequency tuner (abstract, column 2 lines 31-59) comprising: at least one stage of variable power consumption having a performance (such as signal distortion (column 2 lines 23-37, column 7 lines 14-26) and a gain (column 7 lines 14-26) which are first and second functions, respectively, of a power consumption; a variable gain arrangement (please see figures 1-3 and descriptions); and a control circuit for controlling said power consumption of said at least one stage and for controlling said variable gain arrangement to

Art Unit: 2618

compensate at least partly for a variation of said gain of said at least one stage (columns 7-8, specifically line 14 of column 7 to line 39 of column 8).

Regarding **claim 10**, Kunishima further discloses that the tuner as claimed in claim 1, comprising means for setting said power consumption, said control circuit being responsive to said means for setting said power consumption to achieve a desired tuner performance (column 7 lines 14-65, by controlling the AGC, the power consumption is varied).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 25-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunishima in view of Bergveld et al. (hereinafter "Bergveld"; U.S. Patent Number 6,298,222).

Regarding **claims 25-26**, Kunishima discloses the invention but does not explicitly disclose that the setting means comprises means for selecting a desired power consumption a plurality of fixed power consumptions.

In an analogous art, Bergveld teaches a communication system with an RF power control (abstract), with reference to figures 1-3, Bergveld further teaches the setting means comprises means for selecting a desired power consumption a plurality

Art Unit: 2618

of fixed power consumptions (such as the power table in figures 1-3, abstract, col. 3, lines 34-67).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the power table, as taught by Bergveld to the system of Kunishima. The motivation for doing so would be to easily select the desired power level for operating the tuner depending on the requirement.

Regarding **claim 27**, since the power can be controlled, it is inherent that the setting means comprises a control input of said control circuit.

Regarding **claim 28**, Bergveld further discloses that the setting means is arranged to fix said power consumption during manufacture of said tuner (column 1, specifically lines 47-55).

Allowable Subject Matter

4. **Claims 11-24** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 11**, the applied references fail to disclose or render obvious the claimed limitations of a tuner as claimed in claim 10, in which said setting means comprises a comparator for comparing a tuner performance with a first predetermined performance and for causing said control circuit to reduce said power consumption of

Art Unit: 2618

said at least one stage when said tuner performance exceeds said first predetermined performance.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward URBAN can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/4/07


SONNY TRINH
PRIMARY EXAMINER

APPROVED. S.T.

REPLACEMENT
SHEET

RADIO FREQUENCY TUNER
Applicant: Nicholas Paul Cowley et al.
Appln. No. 10/004,766

1 / 12

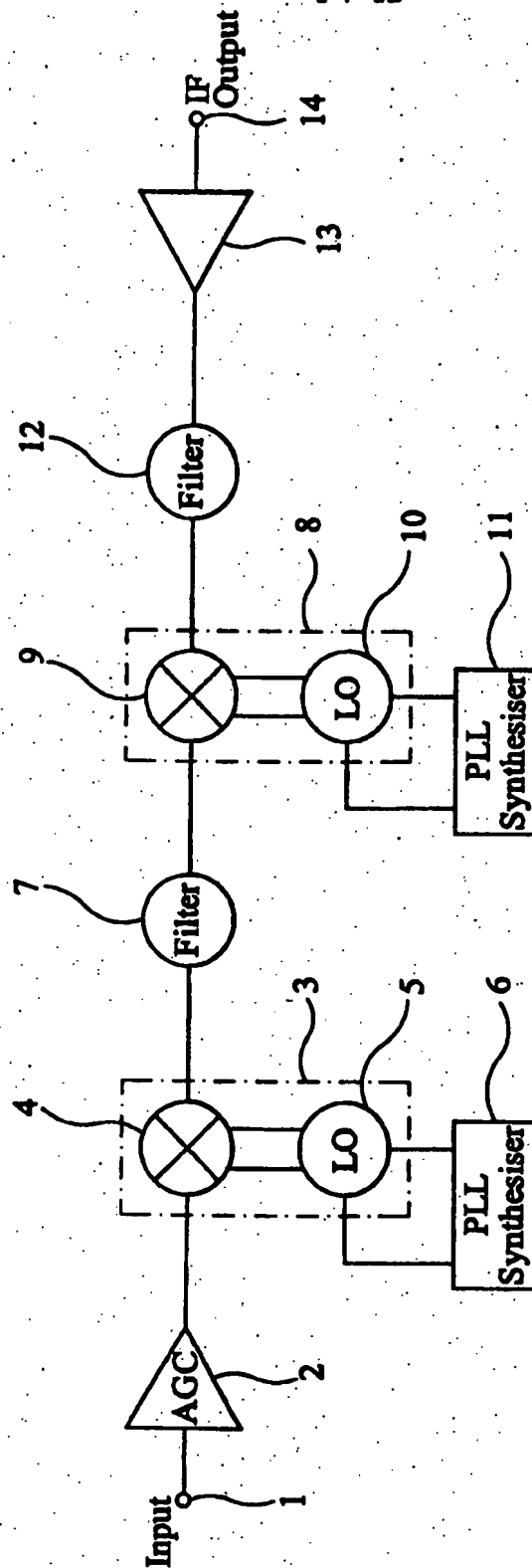


FIG 1

(Prior Art)



REPLACEMENT SHEET

RADIO FREQUENCY TUNER
Applicant: Nicholas Paul Cowley et al.
Appln. No. 10/004,766

2 / 12

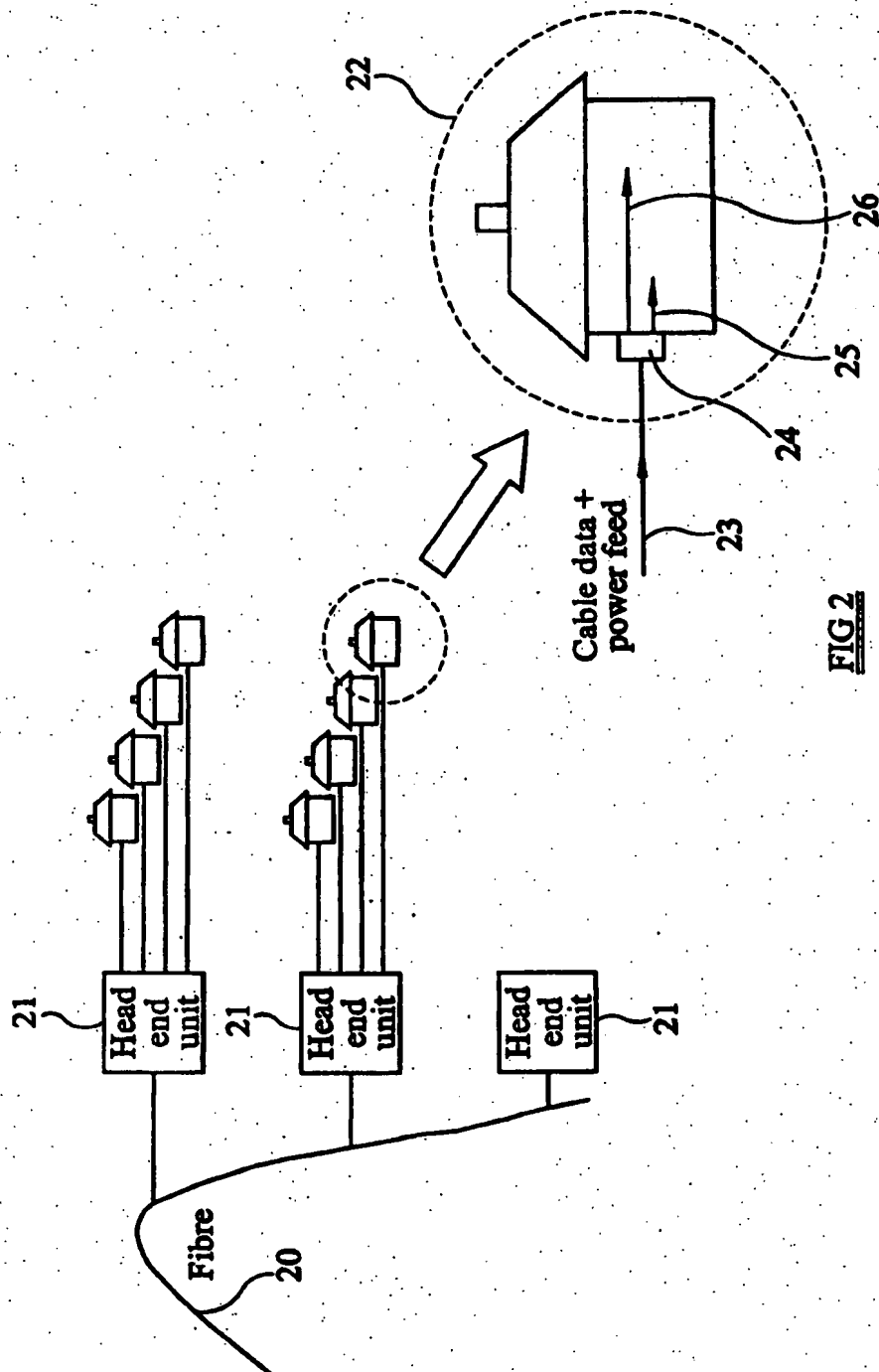


FIG 2

(Prior Art)

APPROVED. S.T.